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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,867	08/17/2001	George H. BuAbbud	560043610015	6937

7590 07/01/2005  
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Cleveland, OH 44114

EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/932,867	<b>Applicant(s)</b> BUABBUD, GEORGE H.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/25/2002</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on 04/04/2005 disclaiming the terminal portion of any patent granted on this application has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2, and 6-7 are rejected under 35 U.S.C. 102(e) as being unpatentable by Feldman et al. (US 6577414).

Claim 1, Feldman discloses a method of providing TV signals or multiple of subscribers and bidirectional telephonic communications to a multiplicity of subscribers through a single optical fiber (Fig. 1) comprising the steps of:

transmitting light at a first wavelength carrying telephonic signals from a first plurality of telephone related devices and at a second wavelength

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carrying TV signals from a TV signal source through an optical fiber from a first end to a second end (Col. 5, lines 25-45);

receiving said first wavelength of light and generating first electrical signals within a first frequency band and representative of said plurality of telephonic signals (Fig. 4; Col. 6, lines 45-65+);

receiving said second wavelength of light and generating second electrical signals within a second frequency band and representative of said TV signals (Fig. 4; Col. 4, lines 49-56; 66-Col. 5, lines 25);

transmitting said telephonic electrical signals to a plurality of telephone related devices and said second electrical signals to a plurality of TV signal receiving devices (Fig. 4; Col. 4, lines 66-Col. 5, lines 25);

generating a plurality of return electrical telephonic signals at said first frequency band representative of return telephonic information and a plurality of TV related electrical signals at a third frequency band representative of TV related information from said plurality of subscribers (Col. 6, lines 22-46);

multiplexing said electrical signals carrying said return telephonic signals at said first frequency band and said TV related electrical signals carrying said TV related information at said third frequency band (Col. 7, lines 35-43);

receiving said multiplexed electrical signals and generating light at said first wavelength representative of said return telephonic signals and said TV related information (Fig. 4, Col. 6, lines 63-Col. 7, lines 25);

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transmitting light at said first wavelength and carrying said return telephonic signals and said TV related information through said optical fiber from said second end to said first end (see Fig. 1);

receiving said light carrying said return telephonic signals and said TV related information and generating a plurality of third electrical signals representative of said return telephonic signals and a plurality of fourth electrical signals representative of said TV related information (Fig.5); and

transmitting said third electrical signals to said first plurality of telephone related devices and said fourth electrical signals to said TV signal source (Col. 4, lines 38-65+).

Claim 2, Feldman further discloses wherein said first wavelength of light is 1310 nanometers and said second wavelength of light is 1550 nanometers (see Fig. 1, el. 150).

The method of Claim 6 is analyzed with respect to claim 1.

The Apparatus Claim 7, is analyzed with respect to claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (US 6577414).

Claim 3, Feldman does not disclose the highest frequency of said first frequency band is less than about 60 KHz.

Office Notice is taken that using Time Compressed Multiplexed (TCM) for modulation data over voice telephony with frequency band is less than about 60 KHz is well known in the Data communication art, i.e. Internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feldman to use TCM encoder for carrying out a data transmission of high reliance having improved signal to noise ratio, thereby increasing performance of the broadcasting system.

Claim 4, Feldman further discloses wherein said third frequency band is between about 5 and about 50 MHZ ( upstream; Fig. 3).

Claim 5, Feldman further discloses wherein said second frequency band is between about 50 MHZ and about 800 MHZ (downstream; Fig. 3).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
06/20/2005

  
HAI TRAN  
PRIMARY EXAMINEE